

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, INC., a Delaware Corporation; CAROLINE RECORDS, INC., a New York Corporation; VIRGIN RECORDS AMERICA, INC., a California Corporation; EMI BLACKWOOD MUSIC, INC., a Connecticut Corporation; EMI APRIL MUSIC, INC., a Connecticut Corporation; EMI FULL KEEL MUSIC, Inc., a duly organized Corporation; EMI VIRGIN MUSIC, INC., a New York Corporation; EMI ROBBINS CATALOG, INC., a New York Corporation; EMI WATERFORD MUSIC, INC., a California Corporation; EMI GROVE PARK MUSIC, INC., a duly organized Corporation; COLGEMS-EMI MUSIC, INC., a Delaware Corporation; and EMI VIRGIN SONGS, INC., a New York Corporation

Plaintiffs,

v.

VIDEOEGG, INC. d/b/a VIDEOEGG.COM, a Delaware corporation; HI5 NETWORKS, INC. d/b/a HI5.COM; BEBO, INC., d/b/a BEBO.COM, a Delaware Corporation, and DOES 1-10, inclusive

Defendants.

CASE NO. 08 CV 5831

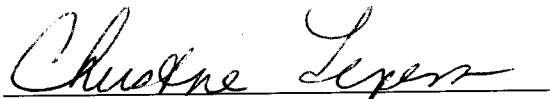
(HB)

NOTICE OF MOTION TO ADMIT
COUNSEL PRO HAC VICE

PLEASE TAKE NOTICE that upon the Declaration of Christine Lepera dated August 1, 2008, the accompanying Declaration of Russell Frackman dated July 30, 2008, and the exhibit annexed thereto, the undersigned moves this Court for an Order, pursuant to Rule 1.3(c) of the Local Rules for the United States District Court for the Southern District and Eastern Districts of New York, admitting Russell Frackman to the Bar of this Court *pro hac vice* to appear and participate as counsel for Plaintiffs in the above-captioned action.

Dated: New York, New York
August 1, 2008

MITCHELL SILBERBERG & KNUPP LLP

By: 

Christine Lepera (CL 9311)
12 East 49th Street
New York, New York 10017
Telephone: (917) 546-7703
Facsimile: (917) 546-7673

Attorneys for Plaintiffs

To: *Attorneys for Defendants*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, INC., a Delaware Corporation; CAROLINE RECORDS, INC., a New York Corporation; VIRGIN RECORDS AMERICA, INC., a California Corporation; EMI BLACKWOOD MUSIC, INC., a Connecticut Corporation; EMI APRIL MUSIC, INC., a Connecticut Corporation; EMI FULL KEEL MUSIC, Inc., a duly organized Corporation; EMI VIRGIN MUSIC, INC., a New York Corporation; EMI ROBBINS CATALOG, INC., a New York Corporation; EMI WATERFORD MUSIC, INC., a California Corporation; EMI GROVE PARK MUSIC, INC., a duly organized Corporation; COLGEMS-EMI MUSIC, INC., a Delaware Corporation; and EMI VIRGIN SONGS, INC., a New York Corporation

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Defendants.

CASE NO. 08 CV 5831

DECLARATION OF CHRISTINE LEPERA
IN SUPPORT OF MOTION FOR
ADMISSION OF RUSSELL FRACKMAN
PRO HAC VICE

CHRISTINE LEPERA, declares under the penalties of perjury as follows:

1. I am a partner, through my professional corporation, of the law firm Mitchell Silberberg & Knupp LLP, counsel for Plaintiffs in the above-captioned action. I submit this declaration in support of the motion, pursuant to Rule 1.3(c) of the Local Civil Rules of the United States District Courts for Southern and Eastern Districts of New York, for an order granting Russell Frackman, Esq., admission to the Bar of this Court *pro hac vice* for the purpose

of allowing him to participate in the representation of Plaintiffs in the above-captioned matter, and to appear before this Court.

2. I am a member in good standing of the Bar of this Court.

3. I have reviewed the Declaration of Russell Frackman in support of the Motion for Admission *Pro Hac Vice* submitted herewith, and I believe that the Declaration is true and correct.

4. Mr. Frackman is, through his professional corporation, a member of the law firm of Mitchell Silberberg & Knupp LLP, located at 11377 West Olympic Boulevard, Los Angeles, CA 90064. He is experienced and familiar with the matter which is pending before this Court.

5. No previous application has been made for the relief requested herein.

6. Accordingly, I respectfully request that Russell Frackman be admitted to the Bar of this Court *pro hac vice*.

7. Pursuant to 28 U.S.C. § 1746 , I declare, under penalty of perjury under the laws of the United States, that the foregoing statements are true and correct.

Executed on August 4, 2008


CHRISTINE LEPERA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, INC., a Delaware Corporation; CAROLINE RECORDS, INC., a New York Corporation; VIRGIN RECORDS AMERICA, INC., a California Corporation; EMI BLACKWOOD MUSIC, INC., a Connecticut Corporation; EMI APRIL MUSIC, INC., a Connecticut Corporation; EMI FULL KEEL MUSIC, Inc., a duly organized Corporation; EMI VIRGIN MUSIC, INC., a New York Corporation; EMI ROBBINS CATALOG, INC., a New York Corporation; EMI WATERFORD MUSIC, INC., a California Corporation; EMI GROVE PARK MUSIC, INC., a duly organized Corporation; COLGEMS-EMI MUSIC, INC., a Delaware Corporation; and EMI VIRGIN SONGS, INC., a New York Corporation

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VIDEOEGG, INC. d/b/a VIDEOEGG.COM, a Delaware corporation; HI5 NETWORKS, INC. d/b/a HI5.COM; BEBO, INC., d/b/a BEBO.COM, a Delaware Corporation, and DOES 1-10, inclusive

Defendants.

CASE NO. 08 CV 5831

DECLARATION OF RUSSELL J.
FRACKMAN IN SUPPORT OF MOTION
FOR ADMISSION *PRO HAC VICE*

RUSSELL J. FRACKMAN, applicant herein for admission *pro hac vice*, declares under the penalty of perjury as follows:

1. I am, through a professional corporation, a member of the law firm Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles, CA 90064.
2. I submit this Declaration in support of the motion, pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of

New York, for an Order granting Russell J. Frackman admission *pro hac vice* to the Bar of the United States District Court for the Southern District of New York to appear and participate as counsel for Plaintiffs in the above-captioned action.


3. As demonstrated by the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of California. I am also a member in good standing of the Bars for the United States District Courts for the Eastern, Central and Northern Districts of California, the United States Courts of Appeals for the Second and Ninth Circuits and the United States Supreme Court.

4. There are no pending disciplinary proceedings against me in any State or Federal Court.

WHEREFORE, your applicant respectfully requests to be admitted to practice before this Court *pro hac vice* in the above-captioned matter on behalf of Plaintiffs.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 30, 2008, at Los Angeles, California


RUSSELL J. FRACKMAN



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

July 22, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, RUSSELL JAY FRACKMAN, #49087 was admitted to the practice of law in this state by the Supreme Court of California on February 26, 1971; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert", is written over the printed name.

Kath Lambert
Custodian of Membership Records

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, LLC, a Delaware limited liability company; CAROLINE RECORDS, INC., a New York Corporation; VIRGIN RECORDS AMERICA, INC., a California Corporation; EMI BLACKWOOD MUSIC, INC., a Connecticut Corporation; EMI APRIL MUSIC, INC., a Connecticut Corporation; EMI FULL KEEL MUSIC, INC., a duly licensed Corporation; EMI VIRGIN MUSIC, INC., a New York Corporation; EMI ROBBINS CATALOG, INC., a New York Corporation; EMI WATERFORD MUSIC, INC., a California Corporation; EMI GROVE PARK MUSIC, INC., a California Corporation; COLGEMS-EMI MUSIC, INC., a Delaware Corporation; and EMI VIRGIN SONGS, INC., a New York Corporation,

Plaintiffs,

vs.

VIDEOEGG INC., d/b/a VIDEOEGG.COM, a Delaware Corporation; HI5 NETWORKS, INC., d/b/a HI5.COM, a California Corporation; and DOES 1-10, inclusive,

Defendants.

08-Civ-05831 (HB) (DCF)

ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION

Upon the motion of Christine T. Lepera, attorney for Plaintiffs in the above-captioned action, and said sponsor attorney's affidavit in support:

IT IS HEREBY ORDERED that

Russell Frackman, Esq.
Mitchell Silberberg & Knupp LLP
11377 W. Olympic Blvd.
Los Angeles, CA 90064
Tel: 310-312-3119
Fax: 310-231-8319
Email: rjf@msk.com

is admitted to practice pro hac vice as counsel for the Plaintiffs in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated: August ____, 2008
New York, New York

Honorable Harold Baer
United States District Court Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, LLC, a Delaware limited liability company; CAROLINE RECORDS, INC., a New York Corporation; VIRGIN RECORDS AMERICA, INC., a California Corporation; EMI BLACKWOOD MUSIC, INC., a Connecticut Corporation; EMI APRIL MUSIC, INC., a Connecticut Corporation; EMI FULL KEEL MUSIC, INC., a duly licensed Corporation; EMI VIRGIN MUSIC, INC., a New York Corporation; EMI ROBBINS CATALOG, INC., a New York Corporation; EMI WATERFORD MUSIC, INC., a California Corporation; EMI GROVE PARK MUSIC, INC., a California Corporation; COLGEMS-EMI MUSIC, INC., a Delaware Corporation; and EMI VIRGIN SONGS, INC., a New York Corporation,

Plaintiffs,

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VIDEOEGG INC., d/b/a VIDEOEGG.COM, a Delaware Corporation; HI5 NETWORKS, INC., d/b/a HI5.COM, a California Corporation; and DOES 1-10, inclusive,

Defendants.

08-Civ-05831 (HB) (DCF)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Jeffrey M. Movit, hereby certify that on March 13, 2008, a true and correct copy of:

- NOTICE OF MOTION TO ADMIT COUNSEL RUSSELL FRACKMAN *PRO HAC VICE*
- DECLARATION OF CHRISTINE LEPERA IN SUPPORT OF MOTION FOR ADMISSION OF RUSSELL FRACKMAN *PRO HAC VICE*
- DECLARATION OF RUSSELL FRACKMAN IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE*
- PROPOSED ORDER FOR ADMISSION *PRO HAC VICE* ON WRITTEN MOTION

was served by Facsimile and US Mail upon:

Janet L. Cullum
COOLEY GODWARD KRONISH LLP
1114 Avenue of the Americas
New York, NY 10036
Tel: (212) 479-6000
Fax: (212) 479-6275

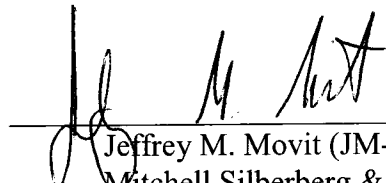
Attorneys for Defendant hi5 Networks, Inc.

Lisa T. Simpson
Orrick, Herrington & Sutcliffe LLP
666 Fifth Avenue
New York, NY 10103
Tel: (212) 506-3767
Fax: (212) 506-5151

Attorneys for VideoEgg, Inc.

DATED: August 4, 2008
New York, New York

By:



Jeffrey M. Movit (JM-6725)
Mitchell Silberberg & Knupp LLP
12 E. 49th Street
New York, NY 10017
Tel: 917-546-7712
Fax: 917-546-7678